

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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YOUNES KABBAJ,

Plaintiff,

-against-

MARK S. SIMPSON, BRIAN K. ALBRO, and JOHN
DOES 1-9,

Defendants.
----- X

15-CV-1583 (ARR)

NOT FOR PRINT OR
ELECTRONIC
PUBLICATION

OPINION & ORDER

ROSS, United States District Judge:

Plaintiff moves for relief from final judgment, which was entered after plaintiff failed to comply with any of the deadlines set for the filing of an amended complaint. The court need not review the history of this action, as the full scope of plaintiff's vexatious litigation in federal court has been reviewed in detail in the court's previous orders. See Kabbaj v. Simpson, No. 15-CV-1583, Dkt. #6, 10; Kabbaj v. Albro, No. 15-CV-291, Dkt. #7, 10; Kabbaj v. Simpson, No. 14-CV-4048, Dkt. #16.

The present motion advances only one plausible basis for granting relief from final judgment: that plaintiff mailed to the court all necessary filings before the applicable deadline, but the filings were never docketed. This claim fails for at least two reasons.

First, the papers allegedly mailed by plaintiff, attached as Exhibit 2 to plaintiff's motion, do not comply with the court's May 7, 2015 order. As set forth in that order, by June 8, 2015, plaintiff was to (1) submit a proposed amended complaint to the District of Delaware, where he has a filing injunction issued against him, and move for leave to file the complaint in this district, and in this district only, and (2) provide this court notice of his motion for filing authorization.

None of the papers attached to plaintiff's motion even attempts to conform to these requirements. Plaintiff has not yet moved for filing authorization in the District of Delaware and, therefore, has no motion of which to give this court notice. Even considering plaintiff's purported filing, the court finds that the relevant deadlines have lapsed.

Second, the United States Postal Service emails that plaintiff attaches to his motion as proof that his papers were received before June 8, 2015, concern mailings sent by plaintiff on April 27, 2015—one day before the court dismissed plaintiff's original complaint with prejudice and first set forth the repleading requirements described above.¹ Because the filings required of plaintiff by June 8 could not have been known to plaintiff on April 27, plaintiff's motion fails to offer any evidence that he made the relevant filings before the June 8 deadline.

The court will not permit plaintiff to continue to waste the resources of this court. The present motion, 26 pages in length and replete with homophobic vitriol and conspiracy theories implicating the court in global terrorism, accurately reflects the nature of these proceedings to date. Any future conduct by plaintiff that fails to comply with the standards set for litigants in federal court will be met with an appropriate sanction.

Plaintiff's motion for relief from final judgment is denied, as is his motion to proceed in forma pauperis on appeal.

SO ORDERED.

s/Allyne R. Ross

Allyne R. Ross
United States District Judge

Dated: June 19, 2015
Brooklyn, New York

¹ The court extended the deadlines for the filing of plaintiff's amended complaint by order dated May 7, 2015.

SERVICE LIST

Plaintiff:

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